



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

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Arnold Schwarzenegger
Governor

April 1, 2010

In the Matter of
Water Quality Certification
for the
City of Santa Rosa
Calistoga Road at Badger Road
Left Turn Lane Project
Sonoma County (WDID# 1B09104WNSO)

APPLICANT: City of Santa Rosa
RECEIVING WATER: Tributary of Ducker Creek and Russian River
HYDROLOGIC AREA: Santa Rosa Creek Hydrologic Sub Unit No. 114.22,
Russian River Hydrologic Unit No. 114.00
COUNTY: Sonoma County
FILE NAME: City of Santa Rosa, Calistoga at Badger Left Turn Lane

BY THE EXECUTIVE OFFICER:

1. On September 1, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Sheri Emerson of the City of Santa Rosa (applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the City of Santa Rosa, Calistoga Road at Badger Road Left Turn Lane Project, in Sonoma County. The total fee of \$640 was received on September 1, 2009. The project will disturb waters of the State associated with a tributary to Ducker Creek and the Russian River Hydrologic Unit No.114.00. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 2, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The project is located on the east side of Calistoga Road with the intersection of Badger Road, latitude 38.483837°N, longitude 122.659092°W, APN 030180015, in Santa Rosa. The purpose of the project is to create a northbound left turn lane intended to improve traffic flow and safety conditions.
3. The project is to widen the roadway along Calistoga Road at the intersection of Badger Road to accommodate a northbound left turn lane. The widening will include

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the relocation of an existing concrete headwall located on the east side of Calistoga Road, replacing approximately 300 feet of roadside drainage and repaving a portion of the roadway. The project will affect approximately 5,200 square feet of unpaved area. It will result in the permanent fill of 0.002 acres of jurisdictional roadside drainage. The drainage is located in the public right-of-way adjacent to 1106 Calistoga Road.

4. Compensatory mitigation for this project will be by planting three trees along Ducker Creek, downstream from the project location, at Rincon Valley Park, adding to an existing mitigation planting at this location.
5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor. Ground disturbance will be limited to the minimum necessary and all disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented. All equipment will be maintained in good working order and spill kits will be on hand during construction. All required BMPs shall be on-site and ready for timely deployment at the start of construction activities. All construction activities shall occur during the dry season. The project is scheduled to begin in June 2010, and last for approximately seven weeks.
6. Post-construction stormwater treatment will be installed to compensate for the increase in stormwater runoff from the additional impervious area created by the turn lane widening. Treatment will consist of a vegetated buffer strip along the shoulder of the roadway, and a vegetated swale running the length of the project north of the impacted watercourse. These treatments will be monitored and maintained by applicant to assure they function as designed.
7. The City of Santa Rosa, as lead California Environmental Quality Act (CEQA) agency, has filed a Mitigated Negative Declaration with the State Clearinghouse, SCH No. 2009072050, on October 27, 2009, and has recorded a Notice of Determination on November 29, 2009, pursuant to CEQA guidelines.
8. The California Department of Fish and Game has determined that a Streambed Alteration Agreement is not required for this project.
9. The US Army Corps of Engineers has issued a Section 404, Clean Water Act, NWP 14-Linear Transportation Project permit, on October 1, 2009.
10. Because the project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water:

a tributary to Ducker Creek, Santa Rosa Creek Hydrologic Sub Area No. 114.22, a tributary to the Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: 0.002 acres of permanent impacts

Latitude/Longitude: 38.483837°N / 122.659092°W

Expiration: April 1, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Santa Rosa, Calistoga Road at Badger Road Left Turn Lane Project (WDID No. 1B09104WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Order (Enclosed).
5. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, there are no watershed specific total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established

and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

6. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Basin (Basin Plan).
7. The Applicant shall conduct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
8. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
10. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for permit coverage from the Regional Water Board and receive notification of coverage prior to discharge to surface waters.

14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other Project activities that could result in erosion or sediment discharges to surface water.
16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
17. All mitigation activities shall be completed as proposed in the application.
18. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
20. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must

send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:

- a. requesting entity's full legal name
- b. the state of incorporation, if a corporation
- c. address and phone number of contact person
- d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.

21. The authorization of this Order for any dredge and fill activities expires on April 1, 2015. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine Kuhlman
Executive Officer

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Web link: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification may be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Ms. Shari Emerson, City of Santa Rosa Public Works,
69 Stony Circle, Santa Rosa, CA 95401

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act
Section 401 Certification and Wetlands Unit Program

Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
Functions, 1455 Market Street, San Francisco, CA 94103-1398

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